

Board of Selectmen
December 27, 2012

PRESENT: Rick Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Ben Moore, Selectmen
Philip Bean, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Hearings – RSA 31:95-b, III(a)

1. Homeland Grant Distribution Part II – Four (4) Radios – Est. total amount \$14,610.00
Authorize Town Manager to Sign

Mr. Welch explained that this grant allows the Police Department to purchase four radios at no cost to the Town.

Mr. Moore MOTIONED to APPROVE to authorize the Town Manager to sign for the Homeland Grant Distribution Part II – Four (4) Radios – Est. total amount \$14,610.00. Mr. Nichols SECONDED.

VOTE: 5-0-0

2. NH Highway Safety Grant Program – Four (4) Grants – Est. total amount \$35,660.00

Mr. Welch explained that the funds come from the Federal Highway Safety Dept. these grant help supplement the cost of the safety patrols.

Discussion

Mr. Pierce MOTIONED to APPROVE to authorize the Town Manager to sign for the NH Highway Safety Grant Program – Four (4) Grants, in the estimated total amount of \$35,660.00. Mr. Nichols SECONDED.

VOTE: 5-0-0

II. Public Comment Period

Mary-Louise Woolsey, 148 Little River Road, made three observations in regards to the following warrant articles: DPW Capital Reserve Fund, Cable TV Revolving Fund and

the sewer connection fees. Mr. Nichols and Mr. Welch addressed some of the issues brought up by Ms. Woolsey. Announcements and Community Calendar

Mr. Pierce reminded everyone that January 8th is the last day for petitioned warrant articles.

Mr. Moore wished everyone a Happy New Year.

Mr. Bean commended the fine young men out there doing their job when everyone else was sleeping this morning.

Mr. Nichols announced a notification from Comcast in regards to rate increases taking place January 22nd. He went through some of the increases for the public.

III. Appointments

1. Brian McCain, Chair Cable Committee Purchasing Policy
 - a. Exclusion of the Cable Committee

Mr. McCain and Mr. Paquette both present tonight to answer any questions the Board might have.

Discussion

Mr. Moore reminded Mr. Pierce that at the last meeting he had some concerns about purchases made by the Cable Committee and believes that is why they are here tonight.

Mr. Pierce made comments as follows: did not have a problem with the Cable Committee, did want to know who approved the money spent which nobody seems to be able to answer, the topic keeps getting pawned off on Mr. Welch, and reminded everyone that in the past all purchases went through the Board, this is a Board of Selectmen's sponsored committee and brought up past practice.

Mr. Welch explained that these purchases were in accordance with the purchasing policy the Board adopted. The purchases were signed off by the Chairman and went through the process in accordance with the purchasing policy. Mr. Welch also went through the adoption of the purchasing policy and how it is being enacted/followed by all departments except the Library. Mr. Welch explained that the Board can change the purchasing policy in regards to the Cable Committee.

Mr. Bean wants to disassociate himself with comments made such as pawned off on Fred.

Mr. Nichols asked questions and made comments as follows: Cable Committee is a unique entity going through why this is so, amount to fund has increased 45% since 2007, past practice was very transparent, reasonable to come before the Board, in fairness to Brian in regards to having no purchases for 2 years, can understand a little where some of the past practice may have lapsed, box truck purchase will take committee over the allowed spent of \$100,000 and the amendment to purchasing policy. Mr. Welch explained the truck will not come until 2013 so the money will not be expended until that time, and will be under the appropriation limit.

Mr. Moore made comments and asked questions as follows: thought the gentlemen were here to address concerns raised by Mr. Pierce last week in regards to purchases made, he brought up the fact that bids were received for the purchases mentioned, if there are no

concerns than fine, may need changes to purchasing policy and not in favor of making an amendment that would take only the Cable Committee out of the purchasing policy.

Mr. Pierce made additional comments as follows: does not have a problem with Brian, problem was the \$12k item that did not come to Board for approval, wants to make sure we are following previous procedures, visibility to taxpayers to see where money is being spent, the Superintendent came in June asking for money for an educational channel and then by coincidence in July the fund is being spent down, he thinks this looks a little suspicious to him.

Mr. Moore and Mr. McCain both did not appreciate the comments and insinuations made by Mr. Pierce.

Mr. Welch addressed the concerns made by the Board as follows: provided some suggestions on changes that could be made to purchasing policy, funny how a \$12k purchase has drawn so much attention when the Board set the bar at \$50k, for purchases to come to the Board for approval, does not get it except that this is dump on someone week, discussed transparency, this purchase was in compliant with purchase procedures set by the Board, what should he conjecture from this, that committee or departments under the Board should be brought to the Board, he spoke about Assessing department's bills and how he has to sign these by statute even though this department falls under the Board, talked about statutory requirements for approval of bills, the Selectmen under the law cannot sign bills, on he can, needs to be uniform for everyone and if the Board wants to change he would suggest changing it for all departments that do not fall under the control of the Town Manager and not just the Cable Committee.

Mr. Paquette made comments on the following: drive factor for second channel was from Fire Station and EOC, current system is 4 years old, how the system works, put the new one into the system and put the old one in EOC and capabilities to put messages out to everyone who has cable.

Mr. Nichols made the following additional comments: believes Cable Committee is different than the Town Clerk, Town Attorney or Assessing Department, explained why this is so to him and it is based on submitting an operating budget, as it is not in the operating budget; needs a different threshold than the \$15k, thinks the amendment presented by Mr. Welch is fine and should be adopted.

Mr. Welch reminded the Board that this is an appropriation and read the statute.

Mr. Moore clarified that this is a change and the only reason Mr. Welch came up with the amendment was as a result of the meeting on December 19th.

Chairman Griffin asked the Board if they want to adopt this amendment. Mr. Bean would concur with the Manager's suggestions and Chairman Griffin agreed. Mr. Moore would make a change to a few items in regards to the number of things that come to the Board.

Mr. Nichols MOTIONED to APPROVE the adoption of the policy proposed by Mr. Welch with the amendment that paragraph 2 start with "all purchase orders in sub-section 3 through 4." Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. McCain asked what the new policy is and Mr. Welch will get a copy for him. Mr. Nichols summarized what the change is.

IV. Approval of Minutes

1. December 10, 2012

Page 2: 4th paragraph; change the words “forbid able” to “formidable”

Mr. Nichols MOTIONED to APPROVE the minutes of December 10, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

V. Town Manager’s Report

1. Everyone please note that this evenings meeting of the Board of Selectmen will be the last meeting of 2012. The next Board meeting will be January 7 2013.
2. Please note that the last day to file a petition warrant article is January 8, 2013 at 5PM in the Selectmen’s Office.
3. The bids for the demolition of the Old Court House to be issued within the next week following necessary reviews. Bids on hazardous waste removal are already out through the contractor who conducted the waste analysis of the structure. Bids will be held firm until after Town Meeting so that the Town can have the true cost of removal and demolition at the time they vote.
4. Park and Recreation Department has completed the removal of the old storage buildings at Tuck Field parking area. The area is clean and awaiting the construction of the replacement garage that as approved at Town Meeting.
5. Construction on the Fire Stations is progressing on schedule.
6. Contracts for the construction of the dewatering facility at the Sewer Treatment Plant are before DES for approval. Once approved we can proceed to sign the contracts and proceed with construction
7. Everyone have a Happy New Year.

Other Items added to report

Mr. Welch provided information on the following: received petition for application of Community Revitalization Tax Relief under RSA 79:E dealing with Sea Spray Condominiums, received a completed copy of the Cable Contract draft from Legal and need to hold a public hearing for both of these items.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Welch.

Mr. Nichols made comments and asked questions as follows: the public hearing for the Cable Contract should be sooner than later, discussed how he has already reviewed the document, bids for the Old Court House, rough estimate on cost of building garage at Tuck Field, dewatering project up at DES for review, will Church Street Pump Station come to Board before going to DES and impact if any of the end of the unlimited insurance on non-interest bearing accounts.

Mr. Moore questioned if they should have a meeting on January 8th in regards to petitioned warrant articles,

Mr. Welch explained that the Board does not have to review petitioned articles prior to going to the Budget Committee. The Board decided to have a tentative posting of a meeting for January 8th.

The Board agreed to schedule the public hearing for the Cable Contract on January 14th.

Chairman Griffin asked if Mr. Welch would like to comment on any items brought up during public comment. Mr. Welch stated that they are only meeting every other week during the summer the remainder of the year they will meet weekly.

Mr. Welch pointed out that he answered the questions that Mr. Nichols had asked in regards to: snow plowing bids that came in, trash pick-up schedule in regards to trailer parks, campgrounds are not part of the once a week pick-up and cart replacement policy.

VI. 2013 Warrant Articles

1. Sewer Connection Fees

a. Calculation of Non-Residential Wastewater System Development Charge

Mr. Welch commented on the following: discussion he had with DPW today, a tremendous amount of work that still needs to be done, DPW stated it will take a year to develop the entire article and he thinks at this point the top portion should only be included which deals with the \$300.

Discussion

Mr. Moore made comments as follows: would agree with Mr. Welch to just put in the \$300, too bad that the Board can no longer make these changes at this table and it needs to be sent out to vote, questioned if this is an impact fee and it was mentioned that it is not an impact fee but instead a capacity charge.

Mr. Pierce made comments as follows: warrant article needs to be easy and we should just go along with the \$300.

Mr. Nichols MOTIONED that the warrant article for sewer fees be sent forward with just the first 3 paragraphs. Mr. Moore SECONDED.

VOTE: 5-0-0

2. Hampton Cable TV Fund

Discussion

Mr. Moore made comments as follows: need for two articles and how this will be changed to a revolving fund.

Atty. Gearreald made comments as follows: appropriation of \$100k, the form was legally sufficient, DRA is satisfied with the form, governmental use of cable franchise fees being able to be put into a revolving fund, eliminates need to come every year to Town Meeting for approval, explained the two articles in detail for the Board, first article to rescind special revenue fund and the second is to create a revolving fund, shared how and when this was done in the past, contingent language and reason why it is included.

Mr. Pierce does not understand why we are talking about this.

Mr. Bean thanked him for his work on this.

Mr. Nichols asked questions and made comments as follows: the \$100k is the limit that can be spent in that year, what happens if revolver fails where is the authority for the split; 25/75, and 25% going to Cable TV; two articles will be back to back in the warrant, any thought to which comes first and article 21 from 2000 did specified public, educational and governmental access. He would not be in favor of not including the wording of public and educational and feels they should be included.

Mr. Welch commented that if this is to be added to the article they will need to renegotiate the cable contract since it is not included in that contract. Atty. Gearreald thinks that educational can be added since it is discussed in the new cable contract. There was an additional discussion on whether or not educational and public access be added to the warrant article. Mr. Welch spoke about the cost for the educational channel and what would pay the costs involved with the second channel. He also brought up that the cable company did not want to have the governmental and educational combined together. Atty. Gearreald thinks that these articles should be run by outside counsel who has negotiated the contract with the cable company. There was a discussion on the franchise fee and percentage.

Mr. Moore made comments and asked questions as follows: discussed the article for the revolving fund, suggested language to replace governmental access which would refer to the franchise agreement and the RSA, flexibility in his language suggestion to authorize the Board to use the fund and to remove the line including adoption will have no effect on tax rate.

Mr. Pierce does not know what the ultimate purpose of all this effort is besides one less warrant article for the voters to vote on. Mr. Welch explained why and the problem with the special revenue fund article in the past.

3. Collective Bargaining Agreement SEA

Mr. Nichols stated that this is being included as a place holder for now since there is not an agreement at this time.

There were a few other comments made by Mr. Moore and Mr. Pierce in regards to grammatical changes to other articles. There was also a discussion on the article in regards to the re-numbering of Town Code.

Mr. Nichols also brought up the language in the Human Services articles in regards to the agencies being required to supply a report to the Town each year as to what the funds were spent on by the agency. Mr. Welch has these reports and will forward them to Mr. Nichols.

Mr. Bean asked when the Board will have the final draft of the warrant articles. Mr. Welch went through all the deadlines for the Board and when the articles will be finalized and available to the Board.

The public hearing for the Budget Committee will be on January 10th.

VII. Old Business

1. Personal Policy Amendment

a. Posting of Town Department Employment Opportunities

Mr. Nichols explained that he made this request at their last meeting. Mr. Welch was asked to get Department Heads opinions but they have not had a meeting. His only concern would be with Police and Fire and maybe union contracts constraints.

Discussion

Mr. Nichols made the comment that there can be a link on the Town website linking individuals to the Police and Fire Department.

There was a consensus amongst the Board to have Wanda draft an amendment to the Personnel Policy.

Other Old Business

Chairman Griffin brought up a letter the Board received from Mr. Tilton in regards to trash and recycling barrels with the storm today. Mr. Welch did discuss this with Mr. Tilton today and there were a number of suggestions made.

Chairman Griffin commented on the weather that we had today and the number of barrels that he saw that had blown over and were even floating in the marsh. This has been an ongoing problem even with the old containers used.

Mr. Nichols questioned whether someone can put recycling in plastic bags in a situation such as the storm today. Mr. Welch stated that Casella does not allow recycling to be put in plastic bags and explained why it does not work with their system.

Mr. Bean commented on the challenges that weather presents now and in the past.

VIII. New Business

1. Appointments of the Town Manager and DPW Director to the Southeast Regional Refuse Disposal District 53B.

Mr. Nichols MOTIONED to Appoint of the Town Manager and DPW Director to the Southeast Regional Refuse Disposal District 53B. Mr. Pierce SECONDED.

VOTE: 5-0-0

2. Future Contracting with the Southeast Regional Refuse Disposal District 53B.

Mr. Welch explained the following to the Board: served on the subcommittee that drafted this contract, when contracts expire, process to put together RFP, need to bid out the disposal for the district when current contract expires in 2015, want to know Boards thoughts on this draft and need to discuss whether the Town wants to get out and if so when.

Discussion

Mr. Nichols does not feel informed enough to express an opinion.

Mr. Bean would be in favor of a more acute synopsis of some of their options at a future date.

IX. Consent Agenda

1. Encumbrance of Two (2) 2012 Warrant Articles

2. Hampton Arts Network Display Authorization March 2013 – December 2013
3. Hampton Cemetery Deed – Richard Drake and Angelia Thompson Drake
4. Hampton Cemetery Deed – Robert J. and Helen S. Gibadlo
5. Hampton Cemetery Deed – William G. and June M. ORourke
6. Property Tax Payment Agreement – Map/Lot 282-183-316
7. Deed Waiver – Map/Lot 282-183-316

Mr. Moore removed items 1 and 6.

Mr. Moore MOTIONED to MOVE the Consent Agenda item #2, 3, 4, 5 and 7. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Nichols stated that Mr. Schwotzer is fine with item 1 being included with the consent agenda.

Mr. Moore MOTIONED to APPROVE as allowed under RSA 32:7,(v) the unspent funding on 2012 warrant article #24 Parks & Recreation Infrastructure improvements in the amount of \$78,000 and the unspent funding in the 2012 warrant article #39 Cemetery Improvements with a maximum amount of \$34,245 be encumbered to 2013. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Moore removed item #6 to see if anyone has any concept on how many years it will take paying \$165 a month to extinguish the unpaid taxes from 2009, 2010, 2011 and 2012. Mr. Nichols provided some information on this for Mr. Moore.

Mr. Moore APPROVED item #6 on the Consent Agenda. Mr. Pierce SECONDED.

VOTE: 5-0-0

A motion was made by Mr. Nichols to go into a non-public session after the public meeting under RSA 91-A:3,(a), the motion was seconded by Mr. Moore. A roll call vote was taken, and all were in favor.

X. Selectmen's Closing Comments

Chairman Griffin commented on the three minute rule for public comment has worked well over the past year. He did bring up the agreement by the Board to not comment back and forth and how this needs to be enforced.

Mr. Nichols agrees with the 3 minute limit but thinks that after someone has finished making their comment a member from the Board may wish to respond.

XI. Adjournment

Mr. Pierce MOTIONED to adjourn the public meeting. Mr. Moore SECONDED.

VOTE: 5-0-0

Chairman